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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,624	08/25/2003	Heiner Kudrus	030563/266982	2820

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EXAMINER

COMPTON, ERIC B

ART UNIT	PAPER NUMBER
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3726

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/647,624	<b>Applicant(s)</b> KUDRUS, HEINER	
	<b>Examiner</b> Eric B. Compton	<b>Art Unit</b> 3726	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.  
     4a) Of the above claim(s) 6,7 and 15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 8-14 is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election without traverse of Species A, claims 1-5 And 8-14, in the reply filed on November 9, 2005 is acknowledged.
2. Claims 6-7 and 15 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species, there being no allowable generic or linking claim.

***Claim Objections***

3. Claim 1 is objected to because of the following informalities: in line 5, "mounting" should read --mounted on--. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-5, 8-11 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. 4,290,353 to Pav et al.

Regarding claim 1, Pav discloses a roll (1) comprising:

an elongate support (8) which defines a central axis;

a tubular roll sleeve (7);

a plurality of bearings (A-G) rotatably mounted on said tubular roll sleeve upon the support for rotation about said central axis;

at least one of said bearing comprising a radially operative magnetic bearing which comprises a plurality of bearing pole windings (9, 10, 11) distributed about the circumference of the roll sleeve, with each bearing pole winding having a predetermined pole cross section, and wherein at least one of the bearing pole windings (A-D) has a pole cross section which is larger or smaller than the pole cross section of at least one the other bearing pole windings (E-G).

The electromagnets are independently controlled by a control unit to prevent deformation of the roll.

Note: the recitation in the preamble of claim 1 "for guiding at least one yarn on a circumferential surface thereof," is construed as an intended use of the roll. A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. *Ex parte Masham*, 2 USPQ2d 1647 (Bd. Pat. App. & Inter. 1987).

6. Claims 1-5, 8-11 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. 4,301,582 to Riihinen.

Regarding claim 1, Riihinen discloses a roll comprising:

an elongate support (13) which defines a central axis;

a tubular roll sleeve (11);

a plurality of bearings (15, 16) rotatably mounted on said tubular roll sleeve upon the support for rotation about said central axis;

at least one of said bearing comprising a radially operative magnetic bearing which comprises a plurality of bearing pole windings distributed about the circumference of the roll sleeve, with each bearing pole winding having a predetermined pole cross section, and wherein at least one of the bearing pole windings (16) has a pole cross section which is larger or smaller than the pole cross section of at least one the other bearing pole windings (15). See *also* U.S. Pat. 4,485,540.

The electromagnets are independently controlled by a control unit to prevent deformation of the roll.

Note: the recitation in the preamble of claim 1 "for guiding at least one yarn on a circumferential surface thereof," is construed as an intended use of the roll. A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. *Ex parte Masham*, 2 USPQ2d 1647 (Bd. Pat. App. & Inter. 1987).

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-5 and 8-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA) in view of U.S. Pat. 4,301,582 to Riihinen:

AAPA, as found of page 1 of the Specification, citing EP 770 719 & DE 197 33 239, discloses known yarn guide roller of the type claimed.

However, AAPA does not disclose "and wherein at least one of the bearing pole windings has a pole cross section which is larger or smaller than the pole cross section of at least one the other bearing pole windings."

Riihinen discloses the invention above. The use of wider pole shoe, see Col. 4, lines 30-33, provides for adjustment for the deflection forces on the outer surface of roll, see Col. 5, lines 5-30.

Regarding claim 1, it would have been obvious to one having ordinary skill in the art at the time of invention to have provided the yarn guide roller of AAPA "wherein at least one of the bearing pole windings has a pole cross section which is larger or smaller than the pole cross section of at least one the other bearing pole windings," in light of the teachings of Riihinen, in order to provide for adjustment for the deflection forces on the outer surface of roll.

Regarding claims 2-5,8-11, and 14, the other claimed features are taught and suggested by AAPA and/or Riihinen.

Regarding claims 12-13,EP 770 719 discloses a heated roll of the type claimed.

**Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric B. Compton whose telephone number is (571) 272-4527. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Jimenez can be reached on (571) 272-4530. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Eric B. Compton  
Primary Examiner  
Art Unit 3726

ebc